

AMENDMENT TO THE DRAWINGS

Please replace the six drawings sheets showing Figs. 1 - 6 with the attached six "Replacement Sheet" drawing sheets showing Figs. 1 - 6.

The drawings have been amended to overcome the informalities noted in the form PTO-948 attached to the instant Office Action.

REMARKS

Upon entry of the instant Amendment, claims 1-17 and 21-29 will be pending in the application. Claims 1, 11 and 26 are independent. By this amendment, the drawings, the specification, and claims 1, 5, 10, 11, 14, 16 and 17 will have been amended and claims 21-29 will have been added. Support for the claim amendments and the new claims can be found in at least Figs. 1-6 and paragraph [0016] of the instant published application 2004/0200189. No new matter is added. Reconsideration of the rejections in view of the above amendments and the following remarks is respectfully requested.

Interview with Examiner Huynh

Applicants appreciate the courtesy extended by Examiner Huynh in the interview of March 23, 2006. In that interview, Applicants' representative pointed out, among other things, that none of the applied documents specifically disclose or suggest the packaging of sequenced products and moving a tray with a conveying system.

With regard to claim 1, the Examiner disagreed that these features must be given patentable weight but indicated that if claim 1 were amended to recite that the packing device comprises a wrapping mechanism, he would reconsider the rejections.

With regard to claim 11, Applicants' representative pointed out that none of the applied documents disclose or suggest any one of the recited means. The Examiner explained that Applicants had not specifically invoked Section 112, 6th paragraph, but indicated that if such features were so interpreted, he would likely reconsider the

rejection. Applicants' representative explained that the recited features should be interpreted in this manner because the recited features do not recite the structure for performing the recited means.

While Applicants respectfully submit that claim 1 does not require amendment to define over the applied art of record, Applicants are herein, an effort to advance prosecution, nevertheless amending claim 1 as suggested by the Examiner in order to obtain allowance of the instant application.

Objection to the Specification

The specification was objected to because the reference number 110 was used with reference to the packaging mechanism instead of reference 100.

Applicants are, by the instant Amendment, amending the specification to resolve the asserted informality.

Accordingly, Applicants respectfully submit that the objection to the specification is now moot and should be withdrawn.

Objection to the Drawings

The drawings were objected to because they are asserted to be informal and contain informalities noted in the form PTO-948. Applicants are, by the instant Amendment, submitting formal drawings in order to address this objection.

Accordingly, Applicants respectfully submit that the objection to the drawings is now moot and should be withdrawn.

35 U.S.C. § 112 Rejection

Claims 4-6, 9, 10, 13, 14, 16 and 17 were rejected under 35 U.S.C. § 112, second paragraph, for being allegedly indefinite.

Applicants respectfully disagree with the Examiner's assertions of indefiniteness regarding claims 4, 5, 7, 9, 10, 13 and 16. These claims do not contain any features which are preceded by "the" or "said" that have not been previously recited. As such, these claims do not recite features lacking proper antecedent basis. The Examiner's assertions appear to be related to claim scope, which should instead be addressed by a fair comparison with the prior art.

With regard to claims 10, 14, 16 and 17, Applicants are, in an effort to address this basis of rejection, herein amending these claims to clarify the language asserted by the Examiner to be indefinite.

Accordingly, Applicants respectfully submit that the rejection of the above-noted claims is now moot and should be withdrawn.

35 U.S.C. § 102 Rejection

Claims 1-3, 7, 8, 11, 12 and 15 were rejected under 35 U.S.C. § 102(b) for being allegedly anticipated by U.S. Patent No. 4,676,050 to ODENTHAL.

In order to establish a *prima facie* case of anticipation under 35 U.S.C. § 102, a single prior art reference must disclose each and every element as set forth in the subject claim. *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ 2d 1051, 1053 (Fed. Cir. 1987). Applicants respectfully submit that a *prima facie*

case of anticipation cannot be established because ODENTHAL fails to teach each and every element of the claims.

More particularly, independent claim 1 recites, *inter alia*,

a packaging device comprising a wrapping mechanism and having an output end, the packaging device packaging sequenced products with wrap;
a clamping device adjacent to the output end of the packaging device; and
a conveying system downstream from the clamping device, the conveying system moving a drop off tray incrementally.

Additionally, independent claim 11 recites, *inter alia*,

means for sequencing product into a delivery point sequence;
means for packaging individual package of the product for the delivery point sequence;
means for dropping the individual packages into a vertical stacked position in a takeaway container; and
means for incrementally moving the takeaway container a predetermined distance such that the individual packages can fill the takeaway container prior to a new takeaway container being positioned for filling.

Applicants submit that ODENTHAL does not disclose or even suggest any one or more of these features. Applicants acknowledge, for example, that ODENTHAL teaches a filling and closing machine 21 that deposits filled flat bags 6 onto a conveyor belt 22 which then merges into conveyor belt 2 (see col. 6, lines 56-59). Applicants also acknowledge that ODENTHAL discloses that the bags 6 can be transported via another conveyor belt 3 to a device which clamps the bags 6 and places them into cartons 1 which are moved along direction 18 (see Fig. 1). However, Applicants respectfully submit that, contrary to the instant invention, ODENTHAL does not disclose at least the above-noted features of claims 1 and 11.

Applicants note, for example, that ODENTHAL is entirely silent with regard to the filling and closing machine 21 being a packaging device having an output end and

sequencing products with wrap. To the contrary, col. 6, lines 46-59 of ODENTHAL merely explains that the device 21 fills and closes the flat bags. Nor is there any discussion in ODENTHAL with regard to a clamping device adjacent to the output end of the packaging device. To the contrary, Fig. 2 only shows that an end of the conveyor 22 is arranged at the output end of the so-called "packaging device 21." Nor can the Examiner reasonably argue that the device 4 shown in Fig. 1 of ODENTHAL is the recited clamping device. Again, Fig. 1 shows that device 4 is arranged at the output end of conveyor 3 and not at an output end of device 21. Furthermore, even if the Examiner were to argue that the device 4 of Fig. 1 constitutes the recited packaging device, such an interpretation would be improper because the device 4 does not package anything with wrap. Instead, it merely clamps already packaged flat bags 6 (which have previously been packaged by device 21) and delivers them to a carton 1 (see Fig. 1).

Applicants also submit, for example, that ODENTHAL is entirely silent with regard to the means for sequencing product into a delivery point sequence and/or the means for packaging individual package of the product for the delivery point sequence and/or the means for dropping the individual packages into a vertical stacked position in a takeaway container, and/or the means for incrementally moving the takeaway container a predetermined distance such that the individual packages can fill the takeaway container prior to a new takeaway container being positioned for filling. As the Examiner knows, Applicants had described these means in the specification as follows: the means for sequencing product into a delivery point sequence includes

operable portions of sequencing device 10, the means for packaging individual package of the product for the delivery point sequence includes operable portions of devices 102 and 104, the means for dropping the individual packages into a vertical stacked position in a takeaway container includes operable portions of device 110, and the means for incrementally moving the takeaway container a predetermined distance such that the individual packages can fill the takeaway container prior to a new takeaway container being positioned for filling includes operable portions of devices 120 and C. The Examiner has failed to identify any equivalent devices in ODENTHAL.

Accordingly, Applicants respectfully submit that independent claims 1 and 11, as well as, dependent claims 2-3, 7, 8, 12 and 15, which depend from claims 1 and 11 are allowable.

Applicants note, in particular, that ODENTHAL also fails to disclose, or even suggest:

- (i) that the sequenced products are mail pieces (claim 2);
- (ii) that the clamping device holds each of the plurality of packaged sequenced products until the conveying system conveys the drop off tray to a predetermined area (claim 3);
- (iii) that the apparatus further comprises a controller controlling the incremental movement of the conveying system based on a parameter of the packaged sequenced product (claim 7);
- (iv) that the clamping device holds the one of a plurality of packaged sequenced products such that each of the one of the plurality of packaged sequenced products are vertically stacked into the drop off tray (claim 8);
- (v) that the product is mail pieces (claim 12);

- (vi) that the dropping means is a clamping device which holds the individual packages until the takeaway tray is properly aligned with a next of the individual packages (claim 15).

Accordingly, Applicants respectfully submit that the rejection under 35 U.S.C. § 102(b) should be withdrawn.

35 U.S.C. § 103 Rejections

Over Odenthal with Stock

Claims 4-6, 9, 10, 13, 14, 16 and 17 were rejected under 35 U.S.C. § 103(a) for being allegedly unpatentable over ODENTHAL in view of U.S. Patent No. 4,019,947 to STOCK et al.

The Examiner acknowledges that ODENTHAL lacks, among other things, the recited serrating device and the recited controller. However, the Examiner asserts that the latter feature is inherently disclosed and that the former feature is taught by STOCK, and that it would have been obvious to combine the teachings of these documents. Applicants respectfully submit that a *prima facie* case of obviousness has not been established as the applied references fail to teach each and every element of the claims.

Applicants submit that neither ODENTHAL nor STOCK disclose or suggest the combination of features recited in at least independent claims 1 and 11. Applicants also submit that no proper combination of these documents disclose or suggest the combination of features recited in at least claims 1 and 11.

As explained above, ODENTHAL does not disclose at least the above-noted features of claims 1 and 11.

Again, ODENTHAL is entirely silent with regard to the filling and closing machine 21 being a packaging device having an output end and sequenced products with wrap. To the contrary, col. 6, lines 46-59 of ODENTHAL merely explains that the device 21 fills and closes the flat bags. Nor is there any discussion in ODENTHAL with regard to a clamping device adjacent to the output end of the packaging device. To the contrary, Fig. 2 only shows that an end of the conveyor 22 is arranged at the output end of the so-called packaging device 21. Nor can the Examiner reasonably argue that the device 4 shown in Fig. 1 of ODENTHAL is the recited clamping device. Again, Fig. 1 shows that device 4 is arranged at the output end of conveyor 3 and not at an output end of device 21. Furthermore, even if the Examiner were to argue that the device 4 of Fig. 1 constitutes the recited packaging device, such an interpretation would be improper because the device 4 does not package anything with wrap. Instead, it merely clamps already packaged flat bags 6 (which have previously been packaged by device 21) and delivers them to a carton 1 (see Fig. 1).

ODENTHAL is also entirely silent with regard to the means for sequencing product into a delivery point sequence and/or the means for packaging individual packages of the product for the delivery point sequence and/or the means for dropping the individual packages into a vertical stacked position in a takeaway container, and/or the means for incrementally moving the takeaway container a predetermined distance such that the individual packages can fill the takeaway container prior to a new

takeaway container being positioned for filling. As the Examiner knows, Applicants had described these means in the specification as noted above. The Examiner has failed to identify any equivalent devices in ODENTHAL.

With regard to STOCK, Applicants acknowledge that STOCK discloses a sealing mechanism for making various sizes of bags (see col. 1, lines 7-10t). However, Applicants submits that STOCK, like ODENTHAL, is also entirely silent with regard to a packaging device comprising a wrapping mechanism and having an output end and sequencing products with wrap. Nor is there any apparent disclosure with regard to a clamping device adjacent to the output end of the packaging device.

STOCK is also entirely silent with regard to the means for sequencing product into a delivery point sequence and/or the means for packaging individual packages of the product for the delivery point sequence and/or the means for dropping the individual packages into a vertical stacked position in a takeaway container, and/or the means for incrementally moving the takeaway container a predetermined distance such that the individual packages can fill the takeaway container prior to a new takeaway container being positioned for filling. As the Examiner knows, Applicants had described these means in the specification as follows: the means for sequencing product into a delivery point sequence includes operable portions of sequencing device 10, the means for packaging individual packages of the product for the delivery point sequence includes operable portions of devices 102 and 104, the means for dropping the individual packages into a vertical stacked position in a takeaway container includes operable portions of device 110, and the means for incrementally moving the takeaway container

a predetermined distance such that the individual packages can fill the takeaway container prior to a new takeaway container being positioned for filling includes operable portions of devices 120 and C. The Examiner has failed to identify any equivalent devices in STOCK.

With regard to the Examiner's assertions of the recited controller is inherent in ODENTHAL, Applicants submit that the Examiner has provided no basis in the prior art to support this assertion. The Examiner's arguments thus essentially amount to an argument of official notice. In this regard, Applicants remind the Examiner that MPEP 2144.03 specifically explains that "[o]fficial notice unsupported by documentary evidence should only be taken by the examiner where the facts asserted to be well-known, or to be common knowledge in the art are capable of instant and unquestionable demonstration as being well-known." Accordingly, Applicants respectfully request that the Examiner produce documentary evidence to support the Examiner's assertions of official notice.

Thus, in addition to failing to disclose the combination of features recited in the claims 1 and 11, Applicants submit no proper combination of these documents discloses or suggests the combination of features recited in claims 1 and 11, or in the above-noted claims which depend from claims 1 and 11.

Applicants note, in particular, that no proper combination of ODENTHAL and STOCK discloses or suggests:

- (i) that the apparatus further comprises a serrating device which serrates wrap attached between adjacent packaged sequenced products in the drop off tray prior to being stacked in the drop off tray (claim 4);

- (ii) that the apparatus further comprises a serrating device which serrates wrap between adjacent packaged sequenced product prior to being stacked in the drop off tray such that each of the adjacent packaged sequenced products in the drop off tray remain connected to one another via the wrap (claim 5);
- (iii) that the apparatus further comprises a cutting device for cutting the wrap downstream of a last package of the sequenced products of the plurality of packaged sequenced products to be stacked in the drop off tray (claim 6);
- (iv) that the apparatus further comprises a serrating device which serrates wrap attached between adjacent packaged sequenced products in the drop off tray prior to being stacked in the drop off tray such that the adjacent packaged sequenced product remain connected to one another via the wrap within the drop off tray and a cutting device for cutting the wrap downstream of a last package of sequenced products of the plurality of packaged sequenced products to be stacked in the drop off tray, wherein the clamping device holds each of the plurality of packaged sequenced products at a predetermined height prior to dropping into the drop off tray such that the each of the plurality of packaged sequenced products does not hit an end of the drop off tray (claim 9);
- (v) that the apparatus further comprises a controller, wherein the controller controls: the incremental movement of the conveying system based on a parameter of the packaged sequenced product; the clamping device to hold the each of the plurality of packaged sequenced products at a predetermined height prior to dropping into the drop off tray; the serrating device to serrate an interconnection between adjacent packaged sequenced products prior to dropping into the drop off tray; and the cutting device to cut the wrap at end portion of the last of the packaged sequenced products dropped into the drop off tray (claim 10);
- (vi) that the apparatus further comprises means for serrating wrap which wraps the product into the individual packages, the serrating means serrates the wrap at an interconnection between adjacent individual packages to ensure that the individual packages remain in a sequenced order (claim 13);
- (vii) that the apparatus further comprises a controlling means for controlling the serrating means wherein the wrap is serrated at the interconnection between adjacent individual packages (claim 14);
- (viii) that the means for packaging is configured to wrap the product into individual packages, and further comprising a cutting means for cutting the

wrap after a last of the individual packages to be stacked into the takeaway tray (claim 16); and

- (ix) that the apparatus further comprises a controlling means for controlling the cutting means, wherein the wrap is cut after a last of the individual packages is stacked into the takeaway tray (claim 17).

Accordingly, Applicants respectfully submit that the above-noted rejections under 35 U.S.C. § 103(a) should be withdrawn.

Over Hartman with Linder

Claims 1-3, 7 and 8 (and presumably also claim 11 which was discussed in the body of the rejection) were rejected under 35 U.S.C. § 103(a) for being allegedly unpatentable over U.S. Patent No. 3,815,321 to HARTMAN in view of U.S. Patent No. 4,683,708 to LINDER.

The Examiner acknowledges that HARTMAN lacks, among other things, the recited packaging device which packages sequenced products. However, the Examiner asserts that this feature is taught by LINDER, and that it would have been obvious to combine the teachings of these documents. Applicants respectfully submit that a *prima facie* case of obviousness has not been established as the applied references fail to teach each and every element of the claims.

Applicants submit that neither HARTMAN nor LINDER disclose or suggest the combination of features recited in at least independent claims 1 and 11. Applicants also submit that no proper combination of these documents disclose or suggest the combination of features recited in at least claims 1 and 11.

Applicants acknowledge that HARTMAN relates to a device which feeds and places filled bags 39 into a container 71 which is slid over a chute 65 (see Fig. 1 and col. 6, lines 14-58). However, Applicants respectfully submit that, contrary to the instant invention, HARTMAN does not disclose at least the above-noted features of claim 1.

Applicants note, for example, that HARTMAN teaches to feed the already filled bags 39 to a device which places the bags 39 into the container 71 (see col. 3, lines 34-45). This document is entirely silent with regard to the container filling device being a packaging device comprising a wrapping mechanism and having an output end and sequencing products with wrap. To the contrary, Fig. 1 clearly shows that the bags 39 are already formed (i.e., they are moved on conveyor 41 after being formed into bags) with the product therein before they even reach the device which places them into the container 71. Nor is there any discussion in HARTMAN with regard to the recited clamping device adjacent to the output end of the packaging device. Furthermore, even if the Examiner were to argue that the device shown in Fig. 1 constitutes the recited packaging device, such an interpretation would be improper because this device does not package anything with wrap. Instead, it places already filled bags into a container 71 (see Fig. 1).

HARTMAN is also entirely silent with regard to the means for sequencing product into a delivery point sequence and/or the means for packaging individual packages of the product for the delivery point sequence and/or the means for dropping the individual packages into a vertical stacked position in a takeaway container, and/or the means for incrementally moving the takeaway container a predetermined distance such that the

individual packages can fill the takeaway container prior to a new takeaway container being positioned for filling. As the Examiner knows, Applicants had described these means in the specification as noted above. The Examiner has failed to identify any equivalent devices in HARTMAN.

With regard to LINDER, Applicants acknowledge that LINDER discloses a device for wrapping printed sheets (see Abstract). However, Applicants submits that LINDER, like HARTMAN, is also entirely silent with regard to a packaging device comprising a wrapping mechanism and having an output end and sequencing products with wrap. Nor is there any apparent disclosure with regard to a clamping device adjacent to the output end of the packaging device.

LINDER is also entirely silent with regard to the means for sequencing product into a delivery point sequence and/or the means for packaging individual packages of the product for the delivery point sequence and/or the means for dropping the individual packages into a vertical stacked position in a takeaway container, and/or the means for incrementally moving the takeaway container a predetermined distance such that the individual packages can fill the takeaway container prior to a new takeaway container being positioned for filling. Again, Applicants had described these means in the specification as noted above. The Examiner has failed to identify any equivalent devices in LINDER.

Thus, in addition to failing to disclose the combination of features recited in the claims 1 and 11, Applicants submit no proper combination of these documents

discloses or suggests the combination of features recited in claims 1 and 11, or in the above-noted claims which depend from claims 1 and 11.

Applicants note, in particular, that no proper combination of HARTMAN and LINDER discloses or suggests:

- (i) that the sequenced products are mail pieces (claim 2);
- (ii) that the clamping device holds each of the plurality of packaged sequenced products until the conveying system conveys the drop off tray to a predetermined area (claim 3);
- (iii) that the apparatus further comprises a controller controlling the incremental movement of the conveying system based on a parameter of the packaged sequenced product (claim 7);
- (iv) that the clamping device holds the one of a plurality of packaged sequenced products such that each of the one of the plurality of packaged sequenced products are vertically stacked into the drop off tray (claim 8);

Accordingly, Applicants respectfully submit that the above-noted rejections under 35 U.S.C. § 103(a) should be withdrawn.

Over Hartman with Linder and Stock

Claims 4-6, 9, 10, 13, 14, 16 and 17 were rejected under 35 U.S.C. § 103(a) for being allegedly unpatentable over HARTMAN in view of LINDER, and further in view of STOCK.

The Examiner acknowledges that HARTMAN and LINDER lacks, among other things, the recited severing device. However, the Examiner asserts that this feature is taught by STOCK, and that it would have been obvious to combine the teachings of

these documents. Applicants respectfully submit that a *prima facie* case of obviousness has not been established as the applied references fail to teach each and every element of the claims.

Applicants submit that neither HARTMAN, nor LINDER nor STOCK disclose or suggest the combination of features recited in at least independent claims 1 and 11. Applicants also submit that no proper combination of these documents disclose or suggest the combination of features recited in at least claims 1 and 11.

As explained above, HARTMAN relates to a device which feeds and places filled bags 39 into a container 71 which is slid over a chute 65 (see Fig. 1 and col. 6, lines 14-58) and is entirely silent with regard to the container filling device being a packaging device having an output end and sequencing products with wrap. To the contrary, Fig. 1 clearly shows that the bags 39 are already formed (i.e., they are moved on conveyor 41 after being formed into bags) with the product therein before they even reach the device which places them into the container 71. Nor is there any discussion in HARTMAN with regard to the recited clamping device adjacent to the output end of the packaging device. Furthermore, even if the Examiner were to argue that the device shown in Fig. 1 constitutes the recited packaging device, such an interpretation would be improper because this device does not package anything with wrap. Instead, it places already filled bags into a container 71 (see Fig. 1).

HARTMAN is also entirely silent with regard to the means for sequencing product into a delivery point sequence and/or the means for packaging individual packages of the product for the delivery point sequence and/or the means for dropping the individual

packages into a vertical stacked position in a takeaway container, and/or the means for incrementally moving the takeaway container a predetermined distance such that the individual packages can fill the takeaway container prior to a new takeaway container being positioned for filling. Again, Applicants had described these means in the specification as noted above. The Examiner has failed to identify any equivalent devices in HARTMAN.

LINDER discloses a device for wrapping printed sheets (see Abstract), but, like HARTMAN, is also entirely silent with regard to a packaging device comprising a wrapping mechanism and having an output end and sequencing products with wrap. Nor is there any apparent disclosure with regard to a clamping device adjacent to the output end of the packaging device.

LINDER is also entirely silent with regard to the means for sequencing product into a delivery point sequence and/or the means for packaging individual packages of the product for the delivery point sequence and/or the means for dropping the individual packages into a vertical stacked position in a takeaway container, and/or the means for incrementally moving the takeaway container a predetermined distance such that the individual packages can fill the takeaway container prior to a new takeaway container being positioned for filling. Again, Applicants had described these means in the specification as noted above. The Examiner has failed to identify any equivalent devices in LINDER.

With regard to STOCK, Applicants acknowledge that STOCK discloses a sealing mechanism for making various sizes of bags (see col. 1, lines 7-10t). However,

Applicants submit that STOCK, like ODENTHAL, is also entirely silent with regard to a packaging device comprising a wrapping mechanism and having an output end and sequencing products with wrap. Nor is there any apparent disclosure with regard to a clamping device adjacent to the output end of the packaging device.

STOCK is also entirely silent with regard to the means for sequencing product into a delivery point sequence and/or the means for packaging individual packages of the product for the delivery point sequence and/or the means for dropping the individual packages into a vertical stacked position in a takeaway container, and/or the means for incrementally moving the takeaway container a predetermined distance such that the individual packages can fill the takeaway container prior to a new takeaway container being positioned for filling. Again, Applicants had described these means in the specification as noted above. The Examiner has failed to identify any equivalent devices in STOCK.

Thus, in addition to failing to disclose the combination of features recited in the claims 1 and 11, Applicants submit no proper combination of these documents discloses or suggests the combination of features recited in claims 1 and 11, or in the above-noted claims which depend from claims 1 and 11.

Applicants note, in particular, that no proper combination of HARTMAN, LINDER and STOCK discloses or suggests:

- (i) that the apparatus further comprises a serrating device which serrates wrap attached between adjacent packaged sequenced products in the drop off tray prior to being stacked in the drop off tray (claim 4);
- (ii) that the apparatus further comprises a serrating device which serrates wrap between adjacent packaged sequenced product prior to being

stacked in the drop off tray such that each of the adjacent packaged sequenced products in the drop off tray remain connected to one another via the wrap (claim 5);

- (iii) that the apparatus further comprises a cutting device for cutting the wrap downstream of a last package of the sequenced products of the plurality of packaged sequenced products to be stacked in the drop off tray (claim 6);
- (iv) that the apparatus further comprises a serrating device which serrates wrap attached between adjacent packaged sequenced products in the drop off tray prior to being stacked in the drop off tray such that the adjacent packaged sequenced product remain connected to one another via the wrap within the drop off tray and a cutting device for cutting the wrap downstream of a last package of sequenced products of the plurality of packaged sequenced products to be stacked in the drop off tray, wherein the clamping device holds each of the plurality of packaged sequenced products at a predetermined height prior to dropping into the drop off tray such that the each of the plurality of packaged sequenced products does not hit an end of the drop off tray (claim 9);
- (v) that the apparatus further comprises a controller, wherein the controller controls: the incremental movement of the conveying system based on a parameter of the packaged sequenced product; the clamping device to hold the each of the plurality of packaged sequenced products at a predetermined height prior to dropping into the drop off tray; the serrating device to serrate an interconnection between adjacent packaged sequenced products prior to dropping into the drop off tray; and the cutting device to cut the wrap at end portion of the last of the packaged sequenced products dropped into the drop off tray (claim 10);
- (vi) that the apparatus further comprises means for serrating wrap which wraps the product into the individual packages, the serrating means serrates the wrap at an interconnection between adjacent individual packages to ensure that the individual packages remain in a sequenced order (claim 13);
- (vii) that the apparatus further comprises a controlling means for controlling the serrating means wherein the wrap is serrated at the interconnection between adjacent individual packages (claim 14);
- (viii) that the means for packaging is configured to wrap the product into individual packages, and further comprising a cutting means for cutting the wrap after a last of the individual packages to be stacked into the takeaway tray (claim 16); and

- (x) that the apparatus further comprises a controlling means for controlling the cutting means, wherein the wrap is cut after a last of the individual packages is stacked into the takeaway tray (claim 17).

Accordingly, Applicants respectfully submit that the above-noted rejections under 35 U.S.C. § 103(a) should be withdrawn.

New Claims are also Allowable

Applicants submit that the new claims 21-29 are allowable over the applied art of record. Specifically, claims 21-25 depend from claim 1 which are believed to be allowable. Additionally, claims 21-29 recite a combination of features which are clearly not disclosed or suggested by the applied art of record. Accordingly, Applicants respectfully request consideration of these claims and further request that the above-noted claims be indicated as being allowable.

CONCLUSION

In view of the foregoing amendments and remarks, Applicants submit that all of the claims are patentably distinct from the prior art of record and are in condition for allowance. The Examiner is respectfully requested to pass the above application to issue.

P26818.A08

Serial No.: 10/624,650

The Examiner is invited to contact the undersigned at the telephone number listed below, if needed.

Respectfully submitted,
R. RICCI, *et al.*

A handwritten signature in black ink, appearing to be 'Andrew M. Calderon', written over a horizontal line.

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